

**Andrew Jackson to John A. Shute, January 3, 1839,
from Correspondence of Andrew Jackson. Edited by
John Spencer Bassett.**

class=MsoNormal>TO JOHN A. SHUTE.

Hermitage, January 3, 1839.

Dear Sir, My health not permitting me to ride over to see you in this inclement weather, I have to request that you will send me the minutes of the testimony you took down at Scotts House on Sunday when the enquiry was had relating to the death of negro Frank in the riot on Saturday night, or a copy of it. ¹ This will be all important for me to have on the trial of my four negroes, namely, Squire, Alfred, George, and Jack, or Jacob. The contradiction of Raina, in her testimony on Sunday at Scotts, and that at the church on Monday, with the contradiction of Silvy to that of Raina on Sunday; and Silvy's (altho present at the church as I have since learned) being kept back by Mr. Donelson who saw and knew that Silvy was there, was so unjust to those on trial, that makes your minutes of the Testimony absolutely necessary that truth and Justice may prevail; so that the lives of my negroes may not be jeopardised by false and perjured witnesses introduced to sustain the prosecution.

¹ This affair aroused Jackson's most intense feelings, partly because he felt that injustice was done to his slaves and partly because he felt that his political enemies were using the occasion to give him a blow. It was rumored that he spent \$1500 in saving the lives of his slaves.

At Scotts I took down with my pencil the substance of Raina's, Silvy's and Nathans testimony. The following is from my notes, please inform me How it corresponds

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with your notes and memory of their testimony. Raina, after giving a history of their going to Mr. Sanders, and being ordered from their and going to Scotts House relates, that Frank was playing the fiddle, her and others dancing, When Wards boy Walis came in with wood to make fire and a light and ordered the fiddle to stop until it was done. her Husband Moses swore he should not stop untill his wife finished her set etc., etc. Some of my negroes came in, danced round with them, when reel finished Alfred cried out he was the best man in the House and altercation ensued. Alfred and cancer got a fighting, and George and Walis got in contact. Alfred and cancer parted and Walis and John Toettle, Wards boys, cleared the House. Alfred and cancer got to fighting again in the yard. Frank came up to make peace when four or five fell upon him. Frank picked up a bench or plank and retreated back and that she saw Alfred strike Frank with a rock in the breast, Frank bent forward, when Jack struck him on the head with a rock and dashed his brains out, that she heard the scull break, that George never touched Frank, that she saw Squire with a rail but did not see him strike Frank, that Squire threw her down where Alfred and cancer her brother was fighting. Silvy, corroborates in part Raina's testimony until she comes to Alfred and Jacks striking Frank when she says one struk with a stick or 0026 2 plank and the other with a rock, never saw George strike Frank etc., etc. Nathan says, that Alfred and cancer was fighting, Frank came up seized Alfred by the collar and jerked him off cancer, that as soon as Alfred was on his feet and saw Frank, they both stooped down and picked up stones, when Frank cursed him and told him fire away. Alfred threw, struck Frank in the breast, he stooped, when Jack struck him on the head with a rock, knocked out his brains and killed him, but swears positively that Squire did not touch Frank at all.

Should you not have your own record to send me, or a copy, please to say how the foregoing comports with your recollection and if your recollection differs from my notes, please inform me wherein is the difference.

I wish you also to say whether you do not recollect, that I more than once in a friendly manner expostulated with Stockly Donelson to hear the testimony first before he took out a

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warrant against my four Negro men alone, that they were many in the riot, and it was right to hear all the testimony and see where guilt lay. After a great deal of consultation with William D and yourself, he called for the warrant, against mine alone. After the warrant was Issued and served, he insisted that on his oath they were to be committed. When I remarked to him, that now being arrested the magistrate was bound to hear their defence, that it was a constitutional right, that all men by law presumed to be innocent until guilt was proven, you proceeded to examine his testimony. In giving early attention to this note and your reply will oblige yr mo. obdt. sevt.

[Indorsement:] Copy to John A. Shute Esqr. on the subject of testimony taken before him on the trial of the Negroes, killing Frank, sent by son.